



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,565	10/06/2003	Bradley K. Walker	15078-10001	3108
27526 7590 01/08/2008 BLACKWELL SANDERS LLP 4801 Main Street Suite 1000 KANSAS CITY, MO 64112				
EXAMINER				
NGUYEN, LE V				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
01/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,565

Applicant(s)

WALKER ET AL.

Examiner

LE NGUYEN

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-39 and 77-81 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 31-39 is/are allowed.
6) ☒ Claim(s) 77-81 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to an amendment filed 9/28/07.
2. Claims 31-39 and 77-81 are pending in this application; and, claims 36 and 77 are independent claims. Claims 1-30 and 40-76 have been cancelled; claims 77-81 have been newly added; and claims 31-36 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 78-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 78 and 79 recite the limitation "another control movie" in line 2 of claim 78 and "the another control movie" in line 3 of claims 78 and 79 and lines 3-4 of claim 79. There is insufficient antecedent basis for this limitation in the claim. It is unclear whether these limitations refer to the control elements of claim 77 that happens to be one of a control movie type and another control movie type or if they are meant to just establish two control movies. The examiner will interpret the

limitations to mean the former, i.e. another one of the control elements being one of a movie control.

Claim Rejections - 35 USC § 103

6. Claims 30 - 35, 71 - 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen and Durham ("Durham"; US #6,810,410 B1).

As per claims 77 and 81, Ketonen, in implementing an AUTONOMOUS LOCAL ASSISTANT, will use a "data transmission medium" at some point containing a "data structure", when a merchant presents timely and relevant information to customers after observing, analyzing and storing information about, and relating to, computer-mediated customer interactions, including generating and displaying a plurality of control elements to control the application in various selected screen application regions (Abstract; col 6, lines 27 - 42). This is actually called an information context, as in "context information", and since the address is maintained for the client-side, "terminal location information" is maintained, along with "user identification" of some kind, as one would have for a customer; "context information" is monitored and sent for use on a server-side in Ketonen, and "an overall user interface configuration" is developed and shown on the client-side, to include "allocations for display". In a sales arrangement like Ketonen's, "special event information for the terminal location" also forms a part of the "context information", since the customer interactions will reflect those events taking place at the customer location.

While a certain amount of "transmitting" takes place between these two sides in Ketonen, the reference does not contain explicit teachings about "transmitting local configuration" to the server and "transmitting the overall user interface configuration...to the local terminal". However, Durham's CUSTOMIZING A CLIENT APPLICATION USING AN OPTIONS PAGE STORED ON A SERVER COMPUTER specifically delivers an options page for client application, after a browser passes the user settings to the server computer, which generates a current version of the options page and downloads the options page to the browser for display (Abstract; col 7, lines 17 - 43).

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use a bi-directional mode of "transmitting" between "client" and "server" to obtain a "user interface configuration" as taught by Durham, in the "context"-reporting "interface"-sending Web system of Ketonen, for this enables a greater degree of accuracy to be reflected in the final interface that a Ketonen customer will receive. Motivation to transmit "context" and return an "interface configuration" in this way would arise from the browser-based Ketonen scheme, in which one's "context" information is uploaded, and the developer at the server side would have an interest in just what the user sees, as timely and relevant information, to the point of sending back an actual "user interface configuration" as per Durham.

The Web-based Ketonen communications, in an HTML environment, as noted above, would suggest claim 31's use of "XML packet" "transmission". Also in Ketonen, where a significant client-side operation occurs, "retrieving local resources" will take place, and a "locally stored overall user interface configuration" will be maintained, in

order to have a proper final view, something that is also seen in getting an options page in Durham. In sending various bits of information to the user, Ketonen further uses "Internet resources", and when the client-side page is updated with new information (or a new options page as per Durham), "updating the local configuration file" will become necessary.

Allowable Subject Matter

7. Claims 78-80 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

the method wherein in response to another user request to open another application, generating another control movie operative to control the another application and playing the another control movie as recited in claim 78 and the method wherein an additional control movie be provided and played in another selected one of the plurality of screen application regions as recited in claim 79.

Although Ketonen and Durham teach a substantial amount of the claimed matters, Ketonen and Durham fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive.

Applicant argued the following:

The subject matter of the new claims is not taught or suggested by any or the art of record.

The Office disagrees for the following reasons:

Ketonen and Durham teach the subject matter of claims 77 and 81 as described above in section six of this Office Action. Furthermore, applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
January 4, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174

Application Number**Application/Control No.**

10/679,565

Examiner

LE NGUYEN

**Applicant(s)/Patent under
Reexamination**

WALKER ET AL.

Art Unit

2174